

**Mississippi Secretary of State**  
700 North Street P. O. Box 136, Jackson, MS 39205-0136

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

|  |                    |   |                                  |              |
|--|--------------------|---|----------------------------------|--------------|
| AGENCY NAME<br>Public Employees' Retirement System |                    | CONTACT PERSON<br>Jane L. Mapp              | TELEPHONE NUMBER<br>601-359-3592 |              |
| ADDRESS<br>429 Mississippi Street                  |                    | CITY<br>Jackson                             | STATE<br>MS                      | ZIP<br>39201 |
| EMAIL<br>JMapp@pers.ms.gov                         | SUBMIT<br>06/19/13 | Name or number of rule(s):<br>Regulation 65 |                                  |              |

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: **Regulation 65: Earned Compensation for the Public Employees' Retirement System of Mississippi**

1. Amend § 104 to add two additional items not previously listed as exclusions from earned compensation, but which are considered employer-provided fringe benefits;
2. Amend § 105 to provide that, except for those receiving employer-provided maintenance as of June 30, 2013, employer-provided maintenance is excluded from earned compensation for periods of time after July 1, 2013, but is included for periods of time before July 1, 2013, if proper employee and employer contributions are paid; and
3. Amend § 109 to provide that performance-based incentive payments may be included in earned compensation for periods of time before July 1, 2013, if certain conditions are met, but are excluded from earned compensation for periods of time after July 1, 2013.

Specific legal authority authorizing the promulgation of rule: 25-11-15(6)

List all rules repealed, amended, or suspended by the proposed rule: Regulation 65

**ORAL PROCEEDING:**

☐ An oral proceeding is scheduled for this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_

X Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.


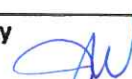
**ECONOMIC IMPACT STATEMENT:**

X Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

| TEMPORARY RULES  | PROPOSED ACTION ON RULES  | FINAL ACTION ON RULES  |
|--|---|--|
| _____ Original filing<br>_____ Renewal of effectiveness<br>To be in effect in _____ days<br>Effective date:<br>_____ Immediately upon filing<br>_____ Other (specify): _____ | <b>Action proposed:</b><br>_____ New rule(s)<br>_____ Amendment to existing rule(s)<br>_____ Repeal of existing rule(s)<br>_____ Adoption by reference<br><b>Proposed final effective date:</b><br>_____ 30 days after filing<br>_____ Other (specify): _____ | <b>Date Proposed Rule Filed:</b> <u>04/17/2013</u><br><b>Action taken:</b><br>_____ Adopted with no changes in text<br>X _____ Adopted with changes<br>_____ Adopted by reference<br>_____ Withdrawn<br>_____ Repeal adopted as proposed<br><b>Effective date:</b><br>_____ 30 days after filing<br>X _____ Other (specify): <u>Aug. 1, 2013</u> |

Printed name and Title of person authorized to file rules: Jane L. Mapp, Special Assistant Attorney General

Signature of person authorized to file rules: /s/ Jane L. Mapp

| OFFICIAL FILING STAMP   | DO NOT WRITE BELOW THIS LINE<br>OFFICIAL FILING STAMP   | OFFICIAL FILING STAMP   |
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| <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by | <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by | <div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by  |

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.